



King County Board of Ethics  
Bank of America Tower  
701 Fifth Avenue, Suite 3460  
Seattle, WA 98104 MS BOA-ES-3460  
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## **KING COUNTY BOARD OF ETHICS SPECIAL MEETING NOTICE**

**When:** Monday, June 28, 2004, 10:30 a.m.

**Where:** Bank of America Tower  
701 Fifth Avenue, 32<sup>nd</sup> floor  
Executive Conference Room, Suite 3210  
Seattle, WA 98104

### **AGENDA**

1. ***Approval of Agenda***
2. ***Approval of Meeting Minutes of May 20, 2004***
3. ***Tri-Jurisdictional Statement of Common Principles.*** Review and discussion.
4. ***Educational Event for Board and Commission Chairs.*** Survey results.
5. ***Financial Disclosure Program –***
  - Final Report on 2004 Disclosure Program – review
  - Non-Compliant Filers – discussion and action
  - Filers as employees and board and commission members – review and discussion
6. ***Staff Report***
  - Staff Informational Response Summary
  - Awareness Campaign – survey to county employees
  - Proposed Ordinance Relating to Oaths for Disclosure Statements and Forms Under the Code of Ethics – update
  - Meetings with County Leadership - overview

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### **Minutes of the June 28, 2004, Special Meeting of the King County Board of Ethics**

The June 28, 2004, special meeting of the King County Board of Ethics was called to order by Chair Price Spratlen at 10:32 a.m. Board members in attendance were:

Lois Price Spratlen, Ph.D.  
Roland H. Carlson  
Margaret T. Gordon, Ph.D.  
Rev. Paul F. Pruitt

Jerry Saltzman had an excused absence.

Others in attendance:

Catherine A. Clemens, Administrator, King County Board of Ethics  
James J. Buck, Administrative Services Manager, Department of Executive Services  
Alan Abrams, Senior Deputy Prosecuting Attorney and Board Counsel

1. *Approval of Agenda.* Rev. Pruitt moved and Mr. Carlson seconded that the board approve the proposed agenda. The board unanimously adopted the motion and the agenda was approved.

2. *Approval of Meeting Minutes of May 20, 2004.* Rev. Pruitt moved and Dr. Gordon seconded that the board approve the May 20, 2004, special meeting minutes. The board unanimously adopted the motion and the minutes were approved.

3. *Tri-Jurisdictional Statement of Common Principles.* Dr. Gordon briefed the board. Dr. Gordon drafted the document and Mr. Saltzman provided review and comment; they relied extensively on materials from state and city ethics agencies which were provided by the administrator. Dr. Gordon's goal was to create an understandable statement, in collaboration with other ethics jurisdictions, to express the trustworthiness of public employees and government as a whole. Following discussion, the board determined it would make no changes to the draft. Mr. Carlson moved to accept the draft document for forwarding to the Seattle Ethics and Elections Commission and the Washington State Executive Ethics Board for review and comment accompanied by a letter of explanation from the chair; Rev. Pruitt seconded the motion and the board unanimously approved the motion.

4. *Educational Event for Board and Commission Chairs.* Ms. Clemens briefed the board. During its January retreat, the board determined that it would consider hosting an educational event for chairs of county boards and commissions. In order to determine the level of interest for such an event, and preferred program agenda, the board directed the administrator to conduct a survey of those chairs. The board reviewed survey drafts during its February and March meetings and approved a final version. The administrator sent the survey via email or U.S. mail to 52 board chairs on May 11, 2004. As of June 28<sup>th</sup>, 18 chairs responded (37%). The board discussed the response rate and whether it indicated enough interest to hold the event. The board generally agreed that it should hold the event. After discussion with senior staff and counsel, it was agreed that because the event included a significant number of members of the public, county funds could be used for de minimis

refreshment. The board directed the administrator to locate an appropriate meeting room and agreed to ask Executive Sims to speak on the relevance of ethics to county volunteerism. Members also agreed that a personal approach to gauge interest would enhance response rates and that they would personalize the invitation by each contacting ten (10) chairs by phone. Following further discussion, including competing activities through November, Chair Price Spratlen moved that the board continue planning for this important event at the next meeting to determine details and explore what roles each board member will play for the success of the event; she further moved that the board use this process as a learning opportunity for working with citizen volunteers. Dr. Gordon seconded the motion and the board unanimously approved the motion. Ms. Clemens asked if the board would consider inviting board and commission staff liaisons as well. The board agreed and stated that it was interested in establishing collaborative relationships with as many people as appropriate and as possible.

*5. Financial Disclosure Program.* Ms. Clemens briefly reviewed the Final Report on the 2004 Program for the Disclosure of Financial and Other Interests. As of the April 15, 2004, deadline, three (3) employees out of 2,302 had not filed for 99% compliance rate; 15 board and commission members out of 461 had not filed for a compliance rate of 97%. By May 27, 2004, all employees had filed, and all except seven (7) members had filed. At the time of the current meeting, only five (5) members had not filed.

Ms. Clemens briefed the board in detail regarding the five members out of compliance with the filing requirement under K.C.C. 3.04.050. Under K.C.C. 3.04.060(B)(3), members of boards and commissions who commit a violation of this chapter shall be subject to immediate removal from such appointment. The executive mailed reminder letters to those who had not filed on March 26, 2004, in anticipation of the upcoming deadline of April 15<sup>th</sup>. The reminder described the rationale for the program and penalties for failure to file. The executive next mailed notification letters of failure to file on May 28, 2004; copies of those letters were provided. Following review and discussion, Dr. Gordon moved that the board send a letter to the executive recommending that he act on his obligations under the code to remove board and commission members out of compliance with the filing requirement; Rev. Pruitt seconded the motion. Following additional discussion, Rev. Pruitt moved to table the matter until the July meeting to allow the chair to meet with the executive; Dr. Gordon seconded the motion. Upon request for advice, Mr. Abrams recommended that the board 1) send a letter to the five non-compliant board members asking that they either file the required statement or state the reason that they are not filing; 2) that the board issue a letter to the executive recommending action removing the members; and 3) that adequate advance notice be given to any affected county personnel prior to the board sending either letter. Mr. Carlson then moved and Rev. Pruitt seconded that as the King County Board of Ethics, it should act responsibly and take appropriate action regarding the five non-compliant board members in the manner recommended by board counsel. The motion was adopted unanimously. The board directed Mr. Abrams to draft the letters and for Ms. Clemens to arrange an appointment among the executive, Chair Price Spratlen and member Carlson.

Ms. Clemens provided a briefing and recommendation related to the dual filing requirement. She asked the board to determine if employees should be required to file statements of financial and other interests as board members when that board participation is a part of their official job responsibilities. In 2004, 2,302 employees and 461 board members were required to file statements of financial and other interests. Of that number, 35 individuals were required to file both as an employee and as a board member. Recently, one of the thirty-five individuals argued that, because his participation on the named board was a requirement of his county job, the information required to be disclosed on the employee form would include those board activities. Therefore, filing a second disclosure form as a board member would be redundant. The board reviewed the relevant rules and laws as well as the reasons for and against the argument.

Mr. Buck left the meeting at 11:57 a.m.

The board determined that it would take action on the motion immediately below, and upon advice of board counsel, would add an additional question to the employee statement of financial and other interest related to board or commission service. The administrator will present a draft of that language to the board for its approval at its next regularly scheduled meeting.

Mr. Carlson then moved, that 1) an employee who serves on a county board or commission as part of his or her official job responsibilities, and files a disclosure statement as an employee, is not required to file a second member disclosure statement related to that board service; 2) an employee who serves on a county board or commission as part of his or her official job responsibilities, but does not file a disclosure statement as an employee, shall be required to file a board member disclosure statement; 3) an employee who serves as a volunteer on a county board or commission and such participation has nothing to do with his or her official job responsibilities, whether or not he or she files as an employee, shall file a board member disclosure statement; and 4) the board shall reaffirm the crucial role of the financial disclosure program in ensuring trust in government by county citizens in all county transactions, and in its educative value to inform county employees of potential conflicts of interest in their official job responsibilities. Rev. Pruitt seconded the motion and the motion passed unanimously. The board directed the administrator to notify all affected county employees, staff liaisons, and department coordinators of the board's determination, and to ensure these policies are incorporated into the 2005 program. It also directed the administrator to employ a personalized approach with the approximately 12 employees who will still be required to file both as employees and as board or commission members.

**6. Staff Report.** Ms. Clemens briefed the Board. Staff Informational Response Summary. The ethics administrator issued thirteen (13) written staff informational responses upon request by county employees from May 18, 2004, through June 21, 2004. Ethics issues addressed by the responses included use of county email related to employee celebrations; use of county vehicles; potential conflict for board member; post-employment and advertising for future employment; solicitation for employee special occasions; solicitation of sick/vacation leave; political activity – posting photos, etc.; gifts to transit employees; use of county conference rooms for personal use; use of email to benefit fundraiser; outside employment doing similar work; solicitation of local businesses for employee charitable campaign; and raffle for county sponsored event. Awareness Campaign – survey to county employees. The ethics office will conduct a survey to select county employees as part of its awareness campaign. The survey has been generally approved by the executive and support from his office is expected, including survey advice and review by the communications staff. In addition, the administrator is seeking computer assistance through the Department of Natural Resources and Parks. The survey is a result of collaboration with DNR staff and conforms to the notion that every communication with employees should be a positive and/or informative contact to achieve the overall goal: raise awareness of the Code of Ethics, the Board of Ethics and its office, and the services they provide. The survey was designed to be brief and provide information on: 1) receipt and awareness of recently distributed ethics materials; 2) general knowledge of the ethics code; and 3) a test of knowledge and judgment. The survey will be administered via e-mail to randomly selected county employees. Anticipated survey date is September, 2004. Dr. Gordon moved and Rev. Pruitt seconded that the survey be approved. The motion passed unanimously. Meetings with county leadership – overview. The board reviewed its historical meeting schedule with the county council and the executive. The administrator noted the remarkable number of hours of volunteer time spent in this outreach effort and stated that this initiative had made a significant, positive difference in her relationships with those two governing bodies. Chair Price Spratlen stated that the future goal is to meet quarterly with the executive and annually with the county council, alternating every other year individual meetings with presentations before the Committee of the Whole.

Chair Price Spratlen expressed appreciation to Mr. Abrams for his informed and valuable contributions during the meeting.

Dr. Gordon moved and Rev. Pruitt seconded the motion to adjourn the meeting. The board unanimously approved the motion and the meeting was adjourned at 12:16 p.m. p.m.

Approved this 19th day of July, 2004, by the King County Board of Ethics.

Signed for the Board: \_\_\_\_\_  
Dr. Lois Price Spratlen, Chair